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7 UNITED STATES DISTRICT COURT FOR THE  
8 WESTERN DISTRICT OF PENNSYLVANIA

9 MICHAEL WILLIAMS, )

10 *Plaintiff,* )

11 v. )

12 )  
13 SPAGEL, et al., )

14 *Defendants.* )  
15

CA. NO. 15-304 Erie

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
AND DISMISSING CASE

16 **ORDER ADOPTING REPORT AND RECOMMENDATION**

17 The Court, having reviewed the motion to dismiss filed by Defendants Spagel and  
18 Dregalla [dkt. no. 18], the motion to dismiss filed by Defendants Connelly, Hirz, and Bingle  
19 [dkt. no. 21], the motion to dismiss filed by Defendant Little [dkt. no. 37], the Report and  
20 Recommendation of the Honorable Susan P. Baxter, United States Magistrate Judge [dkt. no.  
21 55], Plaintiff's Objections thereto [dkt. 57], and the balance of the record, does hereby find that:

- 22  
23 (1) Plaintiff does not raise a valid objection to the Report and Recommendation.  
24 Instead, Plaintiff simply states that he "did state a claim in [his] complaint and  
25 [his] complaint is with legal basis and within the statute of limitation." Dkt. No.  
57 at 1. This is an argument reviewed and rejected by the Magistrate Judge.

1 Plaintiff does request an extension of time within which to file further objection  
2 to the Report and Recommendation. However, given the legal basis on which the  
3 Magistrate Judge recommends dismissal of Plaintiff's claims (as discussed  
4 below), an extension of time would be fruitless;

5 (2) The Court further finds that Defendants Connelly, Bingle, and Hirtz, are Erie  
6 County Assistant District Attorneys who participated in Plaintiff's prosecution.  
7 The claims alleged against them relate to their roles as prosecutors and are  
8 therefore barred by the doctrine of absolute prosecutorial immunity;

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10 (3) Plaintiff failed to state a single factual allegation against Defendant Little in the  
11 operative complaints; therefore, he has failed to state a claim against her;

12 (4) The claims against Defendants Spagel and Dregalla were filed nearly a year  
13 outside the relevant statute of limitations and, as such, are time-barred;

14 (5) Plaintiff failed to state any allegations or claims against Defendant Gray;  
15 accordingly, Defendant Gray shall be dismissed *sua sponte*, pursuant to this  
16 Court's authority under the Prison Litigation Reform Act;

17  
18 (6) The remaining pendent state law claims of defamation must be dismissed because  
19 this Court does not have an independent basis on which to exercise jurisdiction  
20 over such claims;

21 (7) Based on the foregoing, the Court adopts the Report and Recommendation;

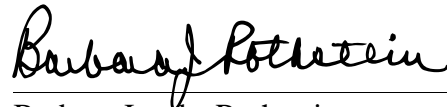
22 (8) Defendants' motions to dismiss [dkt. nos. 18, 21, and 37] are GRANTED;

23 (9) This case is HEREBY DISMISSED; and

24 (10) The Clerk of the Court is respectfully directed to send copies of this Order to  
25 Plaintiff, Defendants, and to Judge Baxter.

**IT IS SO ORDERED.**

DATED this 9th of September, 2016.

  
Barbara Jacobs Rothstein  
U.S. District Court Judge